

Message Text

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ACTION EB-11

INFO OCT-01 ARA-16 IO-14 ISO-00 AF-10 EA-11 EUR-25 NEA-14

RSC-01 CIAE-00 DODE-00 PM-07 H-03 INR-10 L-03 NSAE-00

NSC-07 PA-04 PRS-01 SP-03 SS-20 OMB-01 TAR-02 SWF-02

AGR-20 AID-20 COME-00 LAB-06 OIC-04 SIL-01 STR-08

CIEP-02 CEA-02 USIE-00 INRE-00 NSCE-00 SSO-00 DRC-01

/230 W

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O R 212207Z JUN 74

FM AMEMBASSY MEXICO

TO SECSTATE WASHDC IMMEDIATE 2337

DEPT OF TREASURY WASHDC IMMEDIATE

INFO USUN NEWYORK 719

USMISSION GENEVA

LIMITED OFFICIAL USE MEXICO 5255

E.O. 11652: N/A

TAGS: EGEN, UNCTAD

SUBJ: UNCTAD CHARTER OF ECONOMIC RIGHTS AND DUTIES

1. USDEL TENTATIVE TEXT ON PERMANENT SOVEREIGNTY, ETC., EXAMINED AT GROUP B MORNING JUNE 21. AD REFERENDUM AGREEMENT REACHED ON SUBSTANCE. DELS OF U.S., AUSTRALIA, CANADA AND UK COMMISSIONED TO PUT DRAFT IN SHAPE FOR FINAL REVIEW THIS EVENING BY GROUP B. PROVISIONAL PLAN IS FOR AUSTRALIA TO PASS IT TO MEXICANS TONIGHT, AS INFORMAL AUSTRALIAN-CANADIAN PRODUCT WHICH MEXICANS WILL BE INVITED TO ADOPT AND ADVANCE AS MEXICO'S ONLY. AUSTRALIANS WILL TAKE LINE THAT BEST AND PERHAPS LAST HOPE OF AVOIDING PUBLIC CONFRONTATION GONZALEZ GALVEZ THREATENED IN PLENARY IS MEXICO SO DOING. HE WILL SAY THIS TEXT LACKS AGREEMENT OF EVEN HIS GOVERNMENT, NOT TO SPEAK OF REST OF GROUP B. BUT HE WILL SUGGEST THAT, IF MEXICO CAN PERSUADE GROUP OF 77 TO ACCEPT IT,

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HIS HOPE IS THAT GROUP B CAN BE PERSUADED TO ACCEPT IT. USDEL

HAS MADE IT CRYSTAL CLEAR TO ALL GROUP B THAT IT CANNOT COMMIT
USG TO THIS TEXT, BUT THAT IT WILL RECOMMEND USG ACCEPTANCE
IF MEXICO SHOULD PROFFER IT AS ITS AND IF GROUP OF 77 AGREES TO
IT. EXIGENCIES OF DEVELOPMENTS HERE DICTATE ITS TRANSMISSION
TO MEXICANS TONIGHT.

2. QUOTE: EVERY STATE HAS PERMANENT SOVEREIGNTY OVER ITS NATURAL
WEALTH AND RESOURCES AND JURISDICTION OVER FOREIGN PERSONS
AND PROPERTY WITHIN ITS TERRITORY AND, ACCORDINGLY, HAS THE
INALIENABLE RIGHT, SUBJECT TO FULFILLMENT IN GOOD FAITH OF
ITS INTERNATIONAL OBLIGATIONS, FULLY AND FREELY TO DISPOSE OF
THOSE RESOURCES AND EXERCISE ITS JURISDICTION BY:

A) ENACTING LEGISLATION AND PROMULGATING RULES AND REGULATIONS,
CONSISTENT WITH ITS DEVELOPMENT OBJECTIVES, TO GOVERN THE ENTRY
AND ACTIVITIES WITHIN ITS TERRITORIES OF FOREIGN INVESTMENT;

B) ENTERING INTO INVESTMENT AGREEMENTS RELATING TO THE IMPORT
OF FOREIGN CAPITAL, WHICH AGREEMENTS SHALL BE OBSERVED IN GOOD
FAITH;

C) /APROPRIATE CLAUSE ON MULTINATIONAL CORPORATIONS/;

D) NATIONALIZING, EXPROPRIATING OR REQUISITIONING PROPERTY
IN WHICH FOREIGN INVESTORS HAVE AN INTEREST, PROVIDED THAT
FAIR COMPENSATION IS PAID TO SUCH INVESTORS;

E) REQUIRING THAT RECOURSE BE HAD TO ITS NATIONAL JURISDICTION
IN ANY CASE WHERE THE TREATMENT OF FOREIGN INVESTMENT OR
COMPENSATION THEREFOR IS IN CONTROVERSY:

F) SETTLING DISPUTES, WHERE SO AGREED BY THE PARTIES CONCERNED,
THROUGH NEGOTIATION, GOOD OFFICES, CONCILIATION, MEDIATION,
INQUIRY, FACT-FINDING, ARBITRATION OR INTERNATIONAL ADJUDICATION,
ON THE BASIS OF THE PRINCIPLES OF SOVEREIGN EQUALITY OF STATES
AND FREE CHOICE OF MEANS.

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Message Attributes

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